



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ronald Jacobson

Serial No.: 09/826,428

Filing Date: April 2, 2001

For: MONITORING SYSTEM AND PROCESS FOR THE
FOOD SERVICE INDUSTRY

Group Art Unit 3623
Meinecke Diaz, Susanna, Examiner

2800 S.W. Third Avenue
Miami, Florida 33129
April 24, 2003

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

RECEIVED

APR 28 2003

OFFICE OF PETITIONS

**DECLARATION OF JENNIE S. MALLOY
IN SUPPORT OF
PETITION PURSUANT TO 37 C.F.R. 1.137(f) and 1.137(b)**

I, Jennie S. Malloy, make the following Declaration:

1. I am a Registered Patent Attorney, Registration No. 37,670, and a shareholder and partner attorney with the law firm Malloy & Malloy, P.A. having an address of 2800 S.W. Third Avenue, Miami, Florida 33129;

2. The undersigned filed the above-identified patent application on April 2, 2001 with the U.S. Patent and Trademark Office along with a Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i).

3. Subsequently, the Applicant decided that foreign patent protection would be important for the invention recited in the above-noted application and instructions were provided to the

undersigned to file a corresponding patent application under the Patent Cooperation Treaty ("PCT").

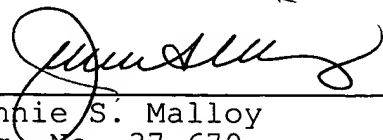
4. In accordance with those instructions, the undersigned filed a corresponding foreign patent application on April 2, 2002, under a multilateral international agreement, namely, the Patent Cooperation Treaty. This PCT application, which included a claim of priority to the above-noted U.S. application, was assigned Serial No. PCT/US02/10212 and became published on October 10, 2002.

5. Due to a clerical error, and also to the rather new procedures and/or forms being established relative to the rescindment of Requests for Non-Publication, the need to file a Request to Rescind the earlier Request for Non-Publication within the prescribed 45 day time period was either not noticed or not docketed for action.

6. Upon a detailed review of the above-referenced U.S. application on April 23, 2003, in preparation for responding to a first Office Action, it was learned that the Request to Rescind had not been timely filed, and as such, this Petition is being presented immediately upon learning of same.

7. I Declare under penalty of perjury that the preceding is true and correct.

By: _____


Jennie S. Malloy
Reg. No. 37,670

Dated: _____

4-24-03